

10/09/01



JCS85 U.S. PRO

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 285-118 DIV  
First Inventor Todd M. Boyce et al.  
Title OSTEOGENIC IMPLANTS DERIVED...  
Express Mail Label No. EL913582794US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 46]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages 6]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: CHECK FOR \$ 776.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 610,026

Prior application information:

Examiner KOH, C.

Group Art Unit: 3738

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below

Name Peter G. Dilworth, Esq.  
DILWORTH & BARRESE, LLP  
Address 333 Earle Ovington Blvd.  
City Uniondale State New York Zip Code 11553  
Country U.S.A Telephone (516) 228-8484 Fax (516) 228-8516

Name (Print/Type) Peter G. Dilworth, Esq. Registration No. (Attorney/Agent) 26.450  
Signature [Signature] Date Oct. 9, 2001

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL913582794US addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Dated: Oct. 9, 2001

Jaksha C. Tomic

09/09/01 10/09/01

A

10-10-01

09/973597



10/09/01



PATENT

Atty. Docket No. 285-118 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patent  
Washington, D.C. 20231

#2A/BNA  
111

UTILITY APPLICATION FEE TRANSMITTAL

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Todd M. Boyce, David Kaes and Nelson Scarborough

For: OSTEOGENIC IMPLANTS DERIVED FROM BONE

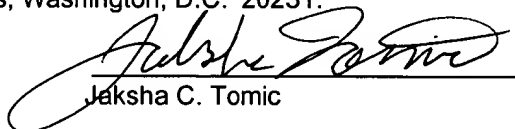
This application is a:

- [ ] Continuation  
[ ] Continuation-In-Part (CIP)  
[x] Divisional

of co-pending U.S. Application Serial No. 09/610,026 filed on  
July 3, 2000.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date October 9, 2001 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL913582794US addressed to:  
Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Jaksha C. Tomic

TD600T 465E4650

Enclosed are:

- [x] 40 page(s) of specification  
[x] 1 page(s) of Abstract (Cover Page of WO98/50044)  
[x] 5 page(s) of claims  
[x] 2 sheets of drawings [x] formal [ ] informal  
[x] 6 page(s) of Declaration and Power of Attorney  
[x] An Assignment of the invention to OSTEOTECH, INC.

[ ] Certified copy of applications

Country

Appln. No.

Filed

from which priority under Title 35 United States Code, § 119 is claimed.

**Additional papers enclosed:**

- [X] Preliminary Amendment  
[ ] Information Disclosure Statement  
[ ] Form PTO-1449  
[ ] Other:

CALCULATION OF UTILITY APPLICATION FEE\*

For	Number Filed	Number Extra	Rate	Basic Fee
				\$ 740.00
Total				
Claims**	22	-20 = 2	x \$ 18.00	\$ 36.00
Independent				
Claims	1	-3 = 0	x \$ 84.00	\$ .00
Multiple	[ ] yes	Add'l. Fee	\$270.00	\$
Dependent				
Claims	[x] no	Add'l. Fee	None	= \$
TOTAL				\$776.00

\* Based upon accompanying Preliminary Amendment

\*\*Includes all independent and single dependent claims and all claims referred to in multiple claims.

- ☐ Verified Statement of "Small Entity" Status Under 37 C.F.R. § 1.27. Reduced fees under 37 C.F.R. § 1.9(f) (50% of total) paid herewith \$\_\_\_\_\_.
- ☐ The amount of \$40.00 for recording the attached Assignment is included in the enclosed check.
- ☒ A check in the amount of \$776.00 to cover the  
☐ recording, ☒ filing fee(s) is attached.
- ☐ Charge fee to Deposit Account No. 04-1121. Order No. TWO (2)  
COPIES OF THIS SHEET ARE ENCLOSED.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and 1.17, at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 04-1121.

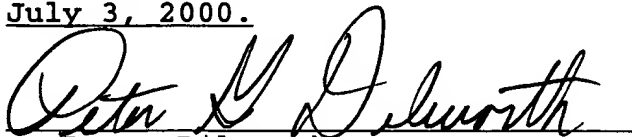
Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Relate back-35 U.S.C. §120

[x] Amend the specification by inserting before the first line the sentence:

"This is a [ ] continuation [ ] continuation-in-part  
[x] divisional of copending application Serial No.  
09/610,026 filed July 3, 2000."

Date: October 9, 2001



Peter Dilworth  
Reg. No. 26,450

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, NY 11553  
Tel. No. (516) 228-8484  
Fax. (516) 228-8516

09/610,026